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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----X  
DOSSOU GALLIE PINOVI a/k/a GALLIE DOSSOU,  
  
PLAINTIFF,  
  
-against- Case No.:  
13CV2800-GBD ECF  
  
REYER PARKING CORP., GERALD LIEBLICH, FDD  
ENTERPRISES, INC., and ALI DAR,  
  
DEFENDANTS.  
-----X

DATE: February 6, 2014  
TIME: 3:05 P.M.

DEPOSITION of the Defendant,  
GERALD LIEBLICH, taken by the respective  
parties, pursuant to a Court Order and to  
the Federal Rules of Civil Procedure, held  
at the offices of Diamond Reporting, Inc.,  
16 Court Street, Brooklyn, New York 11241,  
before Eleanor P. King, a Notary Public of  
the State of New York.

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A P P E A R A N C E S:

MICHAEL T. CARR, ESQ., PLLC  
Attorney for the Plaintiff  
DOSSOU GALLIE PINOVI a/k/a GALLIE DOSSOU  
16 Court Street, Suite 2901  
Brooklyn, New York 11241  
BY: MICHAEL T. CARR, ESQ.

EDWARD S. RUDOFISKY, ESQ.  
Attorney for the Defendant  
GERALD LIEBLICH  
601 West 26th Street  
New York, New York 10001  
BY: EDWARD S. RUDOFISKY, ESQ.  
File #: LIEBLICH

ALSO PRESENT:  
JAMIE WILLIS  
STUDENT REPORTER

\* \* \*

1

## 2 F E D E R A L S T I P U L A T I O N S

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4

5 IT IS HEREBY STIPULATED AND AGREED by and  
6 between the counsel for the respective  
7 parties herein that the sealing, filing and  
8 certification of the within deposition be  
9 waived; that the original of the deposition  
10 may be signed and sworn to by the witness  
11 before anyone authorized to administer an  
12 oath, with the same effect as if signed  
13 before a Judge of the Court; that an  
14 unsigned copy of the deposition may be used  
15 with the same force and effect as if signed  
16 by the witness, 30 days after service of  
17 the original & 1 copy of same upon counsel  
18 for the witness.

19

20 IT IS FURTHER STIPULATED AND AGREED that  
21 all objections except as to form, are  
22 reserved to the time of trial.

23

24

\* \* \* \*

25

1 GERALD LIEBLICH

2 G E R A L D L I E B L I C H, called as a  
3 witness, having been first duly sworn by a  
4 Notary Public of the State of New York, was  
5 examined and testified as follows:

6 EXAMINATION BY

7 MR. CARR:

8 Q. Please state your name for the  
9 record.

10 A. Gerald Lieblich.

11 Q. What is your address?

12 A. 234 West 56th Street, New York,  
13 New York 10019.

14 Q. Good afternoon, Mr. Lieblich.  
15 My name is Michael Carr. I represent the  
16 Plaintiff, Gallie Dossou, in this action.

17 Have you ever been deposed  
18 before?

19 A. Yes, sir.

20 Q. You are aware that you are  
21 under oath right now and anything that you  
22 say is going to be taken down by the Court  
23 Reporter?

24 A. Yes, sir.

25 Q. Have you had any drugs or

1 GERALD LIEBLICH

2 alcohol in the past 24 hours?

3 A. No.

4 Q. Are you suffering from any  
5 mental conditions that would otherwise  
6 prevent you from testifying here today?

7 A. No.

8 Q. I am going to ask that when I  
9 am asking questions, just wait until I  
10 finish the entire question even though you  
11 may anticipate what I am going to say  
12 before you answer, this way we have a clear  
13 transcript as to my questions and then your  
14 answers. Understood?

15 A. Okay.

16 Q. Can you tell me, please, your  
17 relationship to Reyer Parking Corp.?

18 A. I am the officer of the  
19 corporation.

20 Q. Any other specific title  
21 besides officer?

22 A. Officer of the corporation.

23 Q. Can you tell me who the members  
24 of the corporation are, if any?

25 A. Corporation don't have members.

1 GERALD LIEBLICH

2 Q. Can you tell me the names of  
3 any other officers of the corporation?

4 A. No other officers.

5 Q. Are there any managers of the  
6 corporation?

7 A. No.

8 Q. Can you tell me when Reyer  
9 Parking Corp. was formed?

10 A. I cannot.

11 Q. If I told you it was formed in  
12 or about December 2004, would that refresh  
13 your recollection?

14 A. If what you are telling me with  
15 due diligence is accurate, I would say that  
16 would be accurate.

17 Q. That wasn't my question, sir.  
18 My question was: If I said that the  
19 corporation was formed in or about December  
20 2004, would that refresh your recollection?

21 A. No, I would have to see the  
22 actual certificate of corporation to know  
23 specifically.

24 Q. Can you tell me what is the  
25 business of Reyer Parking Corp.?

1 GERALD LIEBLICH

2 A. It holds a license for a  
3 parking garage.

4 Q. Just one license?

5 A. I don't understand your  
6 question.

7 Q. Does it hold just one license  
8 or more than one license?

9 A. Reyer Parking is one entity  
10 that has a license in more than one  
11 facility, but it's one entity.

12 Q. So, it holds more than one  
13 license?

14 A. It has a license.

15 Q. So, it has one license that is  
16 used in multiple facilities; is that what  
17 you are saying?

18 A. Each facility has its own  
19 license.

20 Q. So, my question is very simple  
21 then. Does Reyer Parking hold more than  
22 one license per parking garage?

23 A. There are two parking  
24 facilities, from my recollection and each  
25 one has Reyer with a license.

1 GERALD LIEBLICH

2 Q. Can you give me the address of  
3 those facilities?

4 A. 1872 East Tremont Avenue,  
5 Bronx, New York; 257 East 187, Bronx, New  
6 York.

7 Q. It's your understanding that  
8 each facility has its own separate license  
9 held by Reyer?

10 A. Correct.

11 Q. Does Reyer Parking do any other  
12 business aside from holding the two parking  
13 garage licenses?

14 A. None.

15 Q. Does Reyer Parking Corp. have  
16 any employees?

17 A. None.

18 Q. Can you tell me Reyer Parking  
19 Corp.'s relationship with FDD Enterprises?

20 A. None.

21 Q. Have you heard of FDD  
22 Enterprises before?

23 A. I never heard of them until the  
24 commencement of this action.

25 Q. Can you tell me Reyer Parking



1 GERALD LIEBLICH

2 Corp.'s relationship with 1872 East Tremont  
3 Corp.?

4 A. 1872 East Tremont Corp. is the  
5 owner of the building located at 1872 East  
6 Tremont Avenue, Bronx, New York. Reyer  
7 Parking Corp. is the holder of the license  
8 in that building known as 1872 East Tremont  
9 Avenue, Bronx, New York.

10 Q. Does Reyer Parking Corp.  
11 operate a parking garage?

12 A. It does not operate a parking  
13 garage, it just holds the license to the  
14 parking garage.

15 Q. Can you tell me who operates  
16 the parking garage located at 1872 East  
17 Tremont in the Bronx?

18 A. Peak, P-E-A-K, Time Parking.

19 Q. Can you tell me Reyer Parking  
20 Corp.'s relationship to Peak Time Parking?

21 A. Once again, there is no  
22 relationship. Reyer Parking Corp. holds  
23 the license, Peak Time Parking operates the  
24 parking facility.

25 Q. Is it fair to say that Peak

1 GERALD LIEBLICH

2 Time Parking is using Reyer Parking Corp.'s  
3 license in order to operate the parking  
4 garage?

5 MR. RUDOFISKY: I will object to  
6 the form of the question. You can  
7 answer it if you understand it.

8 A. You have to be more specific in  
9 your question.

10 Q. Is any person or corporation  
11 currently using Reyer Parking Corp.'s  
12 license to operate a park garage?

13 MR. RUDOFISKY: Same objection.  
14 Personally I don't understand what  
15 you mean by using a license. I don't  
16 know.

17 MR. CARR: You don't understand  
18 by what I mean by using a license?

19 MR. RUDOFISKY: No, I don't.

20 MR. CARR: If you have a  
21 license to operate something, that  
22 means you are legally allowed to do  
23 something. So, if there is a parking  
24 garage being operated out of 1872  
25 Tremont are they doing it without a

1 GERALD LIEBLICH

2 license illegally or are they using  
3 Reyer Parking Corp.'s license in  
4 order to say that we are allowed to  
5 have a parking garage there.

6 MR. RUDOFISKY: When you say  
7 using, do you mean operating under  
8 the authority of? What do you mean  
9 by using? We haven't been mysterious  
10 about who holds the license.

11 MR. CARR: So, I want to know  
12 in his understanding who is using --  
13 maybe the license is inactive, maybe  
14 he is saying we hold a license --

15 MR. RUDOFISKY: If he  
16 understands what you mean by "using",  
17 he would answer it. I certainly  
18 don't understand what you mean by  
19 "using".

20 MR. CARR: I think it's clear.

21 MR. RUDOFISKY: Sure you do or  
22 you wouldn't ask the question.

23 MR. CARR: I will rephrase it.

24 Q. Is Peak Time Parking operating  
25 a park garage at 1872 East Tremont Avenue,

1 GERALD LIEBLICH

2 Bronx, New York with Reyer Parking's  
3 consent?

4 A. They are operating it with the  
5 consent of 1872 East Tremont Corp., the  
6 ownership of the building.

7 Q. How does Reyer Parking use the  
8 license to operate a parking garage?

9 MR. RUDOFISKY: I don't mind if  
10 he answers the question, if he  
11 understands it. But I do want to  
12 make a statement for the record.

13 MR. CARR: Sure.

14 MR. RUDOFISKY: I am sure that  
15 you are asking the questions in good  
16 faith, but I want to point out that  
17 the judge was very clear that we  
18 should have very preliminary  
19 discovery on the employment, whether  
20 or not Reyer or Mr. Lieblich is an  
21 employer of Mr. Dossou.

22 So, if you are going to go into  
23 a lot of questions about corporate  
24 relationships and things of that  
25 nature, you can ask your questions,

1 GERALD LIEBLICH

2 but we are here for a very limited  
3 purpose and I would really ask you to  
4 direct your attention to that. We  
5 provided you with some records, you  
6 wanted to know if there was a payroll  
7 and you wanted to know things of that  
8 nature.

9 MR. CARR: Counselor, I will  
10 say that I do agree with you with the  
11 limited purpose. I would also say  
12 that under the FSLSA whether or not  
13 Mr. Lieblich or Reyer Parking had any  
14 input into the day-to-day operations  
15 of the other Defendant is paramount  
16 to whether or not he was considered  
17 as an employer.

18 Additionally, I did get your  
19 response to my discovery demands  
20 which I got a few days ago, which I  
21 had reviewed. They were completely  
22 lacking. You provided tax returns  
23 and that was it. You didn't even  
24 answer the other questions. You  
25 didn't give me another response, you

1 GERALD LIEBLICH

2 didn't say whether or not you were  
3 objecting. You did not say no such  
4 documents exist. You just merely  
5 handed over the tax records, that's  
6 all you did.

7 MR. RUDOFISKY: We did give you  
8 a declaration from the accountant.

9 MR. CARR: Who has no firsthand  
10 knowledge.

11 MR. RUDOFISKY: We don't have to  
12 debate that. If you are already  
13 convinced that you are going to  
14 proceed against Reyer and/or  
15 Mr. Lieblich then the judge's purpose  
16 for suggesting that we have this  
17 deposition has been fulfilled, you  
18 tell us that, and we will either put  
19 in an answer or a motion in  
20 accordance with the present schedule.

21 The judge made it very clear if  
22 you are wrong in that, what the  
23 consequences of being wrong is. The  
24 purpose of this was so that neither  
25 one of us blunder, since I didn't

1 GERALD LIEBLICH

2 have all of the answers to all of the  
3 questions the judge asked me.

4 MR. CARR: Which was still not  
5 provided, by the way.

6 MR. RUDOFISKY: It's your choice  
7 at this point if you feel what we  
8 have provided is insufficient, if you  
9 feel that Mr. Lieblich's testimony  
10 and the point that we are here for is  
11 insufficient and you want to proceed  
12 against him, I presume you would tell  
13 me that.

14 MR. CARR: Counselor, I do not  
15 want to proceed against him if it  
16 is --

17 MR. RUDOFISKY: If you want to  
18 ask him the question that you just  
19 said, which I would agree with is the  
20 question, whether Reyer has any  
21 involvement in the day-to-day  
22 operations, any control of the  
23 employment, you are allowed at a  
24 general deposition you can take him  
25 for seven hours.

1 GERALD LIEBLICH

2 MR. CARR: I am allowed to  
3 phrase the questions the way I want  
4 to phrase them.

5 MR. RUDOFISKY: I am not  
6 objection to your phrasing, I am  
7 pointing out this is not a normal  
8 deposition where you have a witness  
9 presumptively for seven hours, and  
10 you can go into all sorts of things.  
11 We will bring him back, this is not  
12 the only time he is will be deposed.

13 All I am suggesting is, we are  
14 here for a limited purpose, if you  
15 want to ask those questions, ask  
16 them. I am not objecting to your  
17 phrasing, I am not objecting to  
18 anything along those lines. It's up  
19 to you, but, you know. We are here  
20 for a very limited purpose, this is  
21 not a normal deposition.

22 MR. CARR: I agree and we are  
23 wasting time by having this  
24 discussion.

25 Q. Mr. Lieblich, what does Reyer



1 GERALD LIEBLICH

2 Parking do with this license which allows  
3 it to operate a parking garage at 1872 East  
4 Tremont Avenue in the Bronx?

5 A. I don't understand the question  
6 with respect to what does it do, I don't  
7 understand what that means, what it does or  
8 doesn't do.

9 Q. Currently, to your knowledge,  
10 does Reyer Parking Corp. have a sign posted  
11 on 1872 East Tremont Avenue, Bronx, New  
12 York?

13 A. A sign?

14 Q. Does it have a sign saying  
15 Reyer Parking Corp.?

16 A. I believe it does.

17 Q. Why is that sign there?

18 A. The sign is there because when  
19 you obtain a parking license you have to  
20 put the name of that entity on a sign.

21 Q. Does Peak Time Parking have  
22 permission from Reyer Parking Corp. to use  
23 the name Reyer Parking Corp.?

24 A. Repeat it, please.

25 Q. Does Peak Time Parking have

1 GERALD LIEBLICH

2 permission from Reyer Parking Corp. to  
3 utilize the name Reyer Parking Corp.?

4 A. It has permission from 1872 to  
5 operate the parking facility in that  
6 location.

7 Q. That wasn't my question. My  
8 question is: Does Peak Time Parking have  
9 permission from Reyer Parking Corp. to use  
10 the name Reyer Parking Corp.?

11 A. It has permission.

12 Q. Who does it have permission  
13 from?

14 A. From Reyer Parking.

15 Q. Is Reyer Parking being  
16 compensated in any way for use of its name?

17 A. No.

18 Q. Does Reyer Parking lease its  
19 license to other entities for the  
20 utilization of a parking garage?

21 MR. RUDOFISKY: I will object to  
22 the form, but if the witness  
23 understands the question he can  
24 answer it.

25 MR. CARR: Counsel, when you

1 GERALD LIEBLICH

2 say object to the form and then you  
3 say, but if the witness understands,  
4 you are implying to tell your client,  
5 I don't understand. You can object  
6 to the form and then you can say that  
7 you can answer it. You don't have to  
8 give him a built-in defense mechanism  
9 to the question.

10 MR. RUDOFISKY: I can assure you  
11 that Mr. Lieblich doesn't need me to  
12 give him a script, but I will  
13 certainly confine my objections to  
14 the language that you suggested.

15 Q. Mr. Lieblich, does Reyer  
16 Parking have any monthly income?

17 A. No.

18 Q. Does it have any monthly  
19 expenses?

20 A. No.

21 Q. To the best of your  
22 recollection, when was the last time Reyer  
23 Parking took in income?

24 A. I don't recall.

25 Q. Are you familiar with Mr. Zafar

1 GERALD LIEBLICH

2 Majeed?

3 A. Yes, sir.

4 Q. Can you tell me how you know

5 Zafar Majeed?

6 A. Through business I know him.

7 Q. What business do you know

8 Mr. Zafar Majeed?

9 A. I know him from 1872 East  
10 Tremont Corp., he is an officer at Peak  
11 Time Parking.

12 Q. Do you remember when Peak Time  
13 Parking entered into the agreement with  
14 1872 East Tremont Corp. or the sublease of  
15 the garage?

16 A. There was never a sublease.

17 MR. RUDOFISKY: I object to the  
18 form of the question.

19 Q. You can still answer.

20 A. There was never a sublease, to  
21 my recollection, at all.

22 Q. Was there ever a direct lease?

23 A. Not to my recollection.

24 Q. Is the agreement between 1872  
25 East Tremont Corp. and Peak Time just oral?

1 GERALD LIEBLICH

2 A. Month to month.

3 Q. What are the terms of that  
4 month to month lease?

5 A. Exactly what do you want to  
6 know about the terms?

7 Q. How much rent do they pay per  
8 month?

9 A. Somewhere between \$20 and \$25 a  
10 month.

11 Q. \$20,000?

12 A. \$20 or \$25,000 a month, I don't  
13 remember the exact number.

14 Q. Just to be clear for the  
15 record, it's \$20,000 to \$25,000?

16 A. Correct.

17 Q. Have you ever met the Plaintiff  
18 in this action before, Gallie Dossou?

19 A. Never.

20 Q. Does Reyer Parking have a  
21 checkbook?

22 A. I think it does.

23 MR. CARR: I am going to call  
24 for the production, if not already  
25 provided, of any checks written from

1 GERALD LIEBLICH

2 Reyer Parking's checkbook from 2007  
3 to present.

4 Q. Does Reyer Parking --

5 MR. RUDOFISKY: Serve a notice  
6 to produce, if the case goes on, we  
7 will respond. I will certainly take  
8 it under advisement.

9 Q. Does Reyer Parking Corp. hold  
10 any insurance policies?

11 A. I would have to check.

12 MR. CARR: I call for the  
13 production, if they exist, of any  
14 insurance policies held by Reyer  
15 Parking.

16 MR. RUDOFISKY: I would simply  
17 ask with respect to this, so I don't  
18 have to say the same thing over and  
19 over, if you have the Reporter give  
20 us a list at the end of the  
21 transcript of all your requests for  
22 production, we will certainly take  
23 that as a notice to produce.

24 And again, as I stated, as we  
25 continue on with the litigation, we

1 GERALD LIEBLICH

2 will respond appropriately.

3 Q. Mr. Lieblich, do you  
4 personally as an individual have any  
5 agreements with Peak Time?

6 A. Absolutely, none.

7 Q. Do you personally have any  
8 agreements with FDD Enterprises?

9 A. Absolutely not.

10 Q. Does Reyer Parking Corp. have  
11 articles in corporation?

12 A. When the corporation was  
13 formed, I assume it had articles of  
14 corporation.

15 MR. CARR: Counselor, we would  
16 call for the production of the  
17 articles of incorporation of Reyer  
18 Parking Corp. to the extent not  
19 already provided.

20 MR. RUDOFISKY: Same response.

21 Q. Mr. Lieblich, to the best of  
22 your knowledge, when Peak Time Parking  
23 issues a parking receipt to their  
24 customers, does Reyer Parking Corp.'s name  
25 appear on that receipt?

1 GERALD LIEBLICH

2 A. I would have to know what it's  
3 regarding, what specifically it is  
4 regarding to.

5 Q. When someone parks their car at  
6 Peak Time Parking and a claim ticket or a  
7 receipt is given to that customer, does  
8 Reyer Parking's name, to the best of your  
9 knowledge, appear on that receipt or claim  
10 ticket?

11 A. I don't know.

12 Q. Aside from the use of Reyer  
13 Parking Corp.'s name, does Peak Time  
14 Parking have any other agreements, written  
15 or oral, with Reyer Parking Corp.?

16 A. Not to my knowledge.

17 Q. Currently, is Peak Time Parking  
18 authorized to use Reyer Parking Corp.'s  
19 parking garage license number to operate  
20 their parking garage?

21 A. That's the same question that  
22 you asked me earlier. At 1872 East Tremont  
23 Corp., I believe the question was asked and  
24 answered already.

25 Q. Mr. Lieblich, you don't get to



1 GERALD LIEBLICH

2 object here, your attorney can object for  
3 you.

4 A. I don't understand your  
5 question.

6 Q. Then you can say you don't  
7 understand.

8 I would ask again, does Peak  
9 Time Parking have permission from Reyer  
10 Parking Corp. to use Reyer Parking Corp.'s  
11 parking garage license number?

12 A. It has permission to use it at  
13 that location, 1872 East Tremont Avenue,  
14 Bronx, New York.

15 Q. Do you have any direct control  
16 over Peak Time Parking?

17 A. None.

18 Q. Do you have any direct control  
19 over FDD Enterprises Incorporated?

20 A. None.

21 Q. Do you have any control over  
22 Zafar Majeed?

23 A. None.

24 Q. Are you familiar with Mr. Ali  
25 Dar?

1 GERALD LIEBLICH

2 A. That's his brother.

3 Q. Zafar Majeed's brother?

4 A. I believe that's Mr. Zafar  
5 Majeed's brother, that is correct.

6 Q. Have you met Mr. Dar before?

7 A. Yes.

8 Q. Did you have any direct control  
9 over Mr. Ali Dar?

10 A. No.

11 Q. Is it your understanding that  
12 Peak Time Parking subleases 1872 East  
13 Tremont Avenue to FDD Enterprises?

14 A. I don't know.

15 Q. Is there any writing that  
16 exists between 1872 East Tremont Corp. and  
17 Peak Time?

18 A. Rephrase the question, please.

19 Q. Is there any written agreement  
20 between 1872 East Tremont Corp. and Peak  
21 Time?

22 A. Not to my knowledge.

23 Q. Why doesn't 1872 East Tremont  
24 Corp. hold the license to operate the  
25 garage located at 1872 East Tremont Avenue?

1 GERALD LIEBLICH

2 MR. RUDOFISKY: Objection to the  
3 form of the question.

4 Q. You can answer, Mr. Lieblich.

5 A. I don't understand the  
6 question.

7 Q. What was the purpose of having  
8 two separate entities, one to hold the  
9 parking garage license, and one to own the  
10 parking garage; why did you make that  
11 decision?

12 A. I don't recall right now. That  
13 decision was made years ago, it was a  
14 business decision.

15 Q. Are you familiar pursuant to  
16 what law Reyer Parking Corp.'s parking  
17 garage license was issued?

18 MR. RUDOFISKY: Objection.

19 MR. CARR: I don't understand  
20 the objection.

21 Q. Are you familiar --

22 MR. RUDOFISKY: He is not a  
23 lawyer.

24 MR. CARR: I know he is not a  
25 lawyer, he may know, though. He

1 GERALD LIEBLICH

2 don't have to be a lawyer to know.

3 MR. RUDOFISKY: You told me not  
4 to explain my objection as I  
5 understood it. I wasn't trying to  
6 color his testimony. I didn't tell  
7 him that he can't answer it, I am  
8 just objecting to the question.

9 MR. CARR: Can you mark this,  
10 please.

11 (Whereupon, the aforementioned  
12 statute was marked as Plaintiff's  
13 Exhibit 1 for identification as of  
14 this date by the Reporter.)

15 Q. Mr. Lieblich, I am going to  
16 show you what's been marked as Plaintiff's  
17 Exhibit 1, take your time to peruse it.

18 (Whereupon, the witness peruses  
19 the document.)

20 Q. Have you ever seen this statute  
21 before, when you are done reading?

22 A. I don't recall seeing it.

23 MR. CARR: Can you mark this,  
24 please.

25 (Whereupon, the aforementioned

1 GERALD LIEBLICH

2 declaration of Ronald Aletto was  
3 marked as Plaintiff's Exhibit 2 for  
4 identification as of this date by the  
5 Reporter.)

6 Q. I am showing you what's been  
7 marked as Plaintiff's Exhibit 2. Have you  
8 ever seen that document before?

9 A. Yes.

10 Q. Can you tell me what it is for  
11 the record, please?

12 A. As it states here it's a  
13 declaration of Ronald, R-O-N-A-L-D, Aletto,  
14 A-L-E-T-T-O.

15 Q. Can you tell me, to the best of  
16 your acknowledge, who Ronald Aletto is?

17 A. He is the accountant for Reyer  
18 Parking Corp.

19 Q. Is he an employee of Reyer  
20 Parking Corp.?

21 A. No.

22 Q. Does he manage the day-to-day  
23 business of Reyer Parking Corp.?

24 A. No.

25 Q. Does he have any other

1 GERALD LIEBLICH

2 knowledge about Reyer Parking Corp. aside  
3 from what you provided him with?

4 A. No.

5 Q. Did Peak Time get permission  
6 from 1872 East Tremont Corp. to sublease  
7 the premises to anyone else?

8 A. No.

9 Q. You are aware that there is  
10 currently a subtenant at 1872 East Tremont  
11 Avenue?

12 A. No.

13 Q. So, to the best of your  
14 knowledge, who is the current tenant in  
15 possession of 1872 East Tremont Avenue,  
16 Bronx, New York?

17 A. Peak Time.

18 Q. Who were the rent checks made  
19 payable to for 1872 East Tremont, Bronx,  
20 New York?

21 A. Can you repeat the question,  
22 please.

23 Q. Who are the rent checks made  
24 payable to to 1872 East Tremont Avenue,  
25 Bronx, New York?

1 GERALD LIEBLICH

2 A. 1872 East Tremont Corp.

3 Q. Where are those checks  
4 deposited?

5 A. If there were checks they would  
6 be deposited into the account that holds  
7 that corporation.

8 Q. It's an account owned by 1872  
9 East Tremont Corp.?

10 A. Correct.

11 Q. Since Reyer Parking Corp. was  
12 formed, how has it generated its income?

13 A. I don't understand the  
14 question.

15 Q. Since Reyer Parking Corp. was  
16 formed, has it ever generated income?

17 A. No.

18 MR. CARR: Can you mark this,  
19 please.

20 (Whereupon, the aforementioned  
21 2009 (1120) tax return was marked as  
22 Plaintiff's Exhibit 3 for  
23 identification as of this date by the  
24 Reporter.)

25 Q. Mr. Lieblich, I am going to

1 GERALD LIEBLICH

2 show you what's been marked as Plaintiff's  
3 Exhibit 3. Can you tell me if you ever  
4 seen that document before?

5 A. Yes, I have seen this document.

6 Q. Can you tell me what it is?

7 A. It's a 2009 tax return.

8 Q. 2009 tax return for who?

9 A. Reyer Parking Corp.

10 Q. Can you tell me how much income  
11 Reyer Parking Corp. declared in its 2009  
12 income tax returns?

13 A. \$2,000.

14 Q. Where did that \$2,000 come  
15 from?

16 A. That came from another  
17 facility, not the one we have been  
18 discussing here. It came specifically from  
19 257 East 187th Street, Bronx, New York,  
20 which has absolutely and unequivocally no  
21 relationship to 1872 East Tremont Avenue,  
22 Bronx, New York.

23 Q. So, before when you answered my  
24 question, has Reyer Parking Corp. ever  
25 generated income you were incorrect?



1 GERALD LIEBLICH

2 A. I wasn't incorrect. This  
3 income that's shown here is on behalf of  
4 the owner of this building, the entity that  
5 owns the building, it received it through,  
6 which you have copies of the checks.

7 Q. I do not have copies of any  
8 checks.

9 A. You have the statement --  
10 excuse me, my error. Right here, what the  
11 accountant there wrote, it lists exactly  
12 the funds come from those specific  
13 institutions and the tenant there paid that  
14 to Reyer which was then paid to the  
15 ownership of the building, towards rent, so  
16 that's what it's for.

17 Q. Again, I would ask, has Reyer  
18 Parking Corp. ever generated income?

19 MR. RUDOFISKY: The problem is  
20 the use of the word generated, you  
21 mean received income?

22 Q. Has Reyer Parking Corp. ever  
23 received income?

24 A. Received income pursuant to the  
25 tax returns that are set forth.

1 GERALD LIEBLICH

2 Q. So, is it your testimony that  
3 the income Reyer Parking Corp. received was  
4 immediately transferred to another  
5 corporation?

6 A. That's correct.

7 Q. What was the name of that  
8 corporation?

9 A. I believe it was a Rusi Holding  
10 Corp.

11 Q. Can you spell that for the  
12 record, please?

13 A. R-U-S-I H-O-L-D-I-N-G  
14 C-O-R-P.

15 Q. Can you tell me who the  
16 officers of Rusi Holding Corp. were?

17 A. I am the officer.

18 Q. Are there any other officers  
19 aside from you?

20 A. No.

21 Q. Why were the funds made payable  
22 to Reyer Parking Corp. instead of Rusi  
23 Holding Corp.?

24 MR. RUDOFISKY: I object to form  
25 of the question. It is not the

1 GERALD LIEBLICH

2 purpose we are here for, connection  
3 between Rusi and that property and  
4 your client. It's got nothing to do  
5 whether these people are the  
6 employers of your client.

7 MR. CARR: Again, Counselor, we  
8 are getting into the business of  
9 Reyer Parking Corp., all their  
10 business.

11 MR. RUDOFISKY: ^ Listen to his  
12 statement are you finished asking  
13 questions about the employment  
14 relationship, because if you are, we  
15 will leave?

16 You are entitled to take this  
17 man's deposition if he is a party to  
18 this case. The question is, is he  
19 supposed to be a party to the case.  
20 That's why the judge suggested that  
21 we provide you with some information  
22 about. Which we did. Whether you  
23 are satisfied or not. That's why the  
24 judge suggested that he come and  
25 answer some questions about. Even if

1 GERALD LIEBLICH

2 you recall not even necessarily in a  
3 deposition, just maybe a meeting.

4 But we are here, he is  
5 testifying under oath. If you want  
6 to ask him questions about the  
7 employment relationship, ask him.

8 But you started asking some  
9 questions why their business  
10 relationship with some other property  
11 with some other corporation, that has  
12 nothing to do with this. It's way  
13 out of bounds for today.

14 MR. CARR: Are you telling me  
15 that you are directing your client  
16 not to answer my question?

17 MR. RUDOFISKY: No, I am telling  
18 you if you don't ask some questions  
19 about the employment relationship and  
20 the question you framed before,  
21 whether Reyer or Lieblich is involved  
22 in the day-to-day operation of the  
23 garage at 1872 East Tremont, as far  
24 as I am concerned, this special  
25 deposition of limited purpose is

1 GERALD LIEBLICH

2 over, and you could take all these  
3 other questions if we stay in the  
4 case we will come back and you can  
5 ask him if they had something to do  
6 with the case, you can ask him  
7 credibility or whatever it is. This  
8 is for your benefit, so you don't  
9 make a mistake and for my benefit so  
10 that I don't press for frivolous  
11 claim and seek to dismiss the case.

12 The judge was very clear, this  
13 was for our benefit so that neither  
14 one of us is operating without  
15 certain information that we need.

16 You think you need the  
17 information about this other garage,  
18 to talk about whether Mr. Liebllich is  
19 the employer of Mr. Dossou. God  
20 bless you. I don't think you need  
21 it.

22 MR. CARR: Are you directing  
23 him not to answer?

24 MR. RUDOFISKY: It's an  
25 accommodation, so use your time

1 GERALD LIEBLICH

2 wisely.

3 MR. CARR: Are you directing  
4 your client not to answer the  
5 question? I need that clear for the  
6 record so when we go back before the  
7 judge --

8 MR. RUDOFISKY: No, I am asking  
9 you if you have any more questions to  
10 ask about the employment relationship  
11 with MR. Dossou?

12 MR. CARR: This is my  
13 deposition.

14 MR. RUDOFISKY: No, it's not  
15 your deposition. That's a statement  
16 that you can make at a regular  
17 deposition, seven hours, credibility,  
18 education, background. We are not  
19 here for that purpose, so either get  
20 to the business at hand or we are  
21 done and I would be happy to explain  
22 to the judge why we terminated the  
23 deposition.

24 I am not directing him not to  
25 answer, but I may direct him to

1 GERALD LIEBLICH

2 leave, the deposition is over.

3 So, either you use the time for  
4 the purpose the judge suggested we  
5 get together or don't, it's up to  
6 you. Don't waste our time. Okay?  
7 The answer to the question that you  
8 just asked him doesn't have any  
9 relationship to this case or the  
10 decision that you have to make.

11 MR. CARR: You don't know that.

12 MR. RUDOFISKY: I do know that.

13 MR. CARR: How do you know  
14 that, you are not the one testifying?

15 MR. RUDOFISKY: You have no  
16 foundation, he has told you that he's  
17 got nothing to do with any of these  
18 people, and he has got nothing to do  
19 with this man.

20 MR. CARR: He did not say that  
21 at all. You keep putting words in  
22 his mouth.

23 MR. RUDOFISKY: Ask him those  
24 questions.

25 MR. CARR: You already gave him

1 GERALD LIEBLICH

2 the answers to that.

3 MR. RUDOFISKY: We know what we  
4 came here for. All you have  
5 established is that Reyer has some  
6 income from another parking facility  
7 paid by some other people that it  
8 pays to another corporation, Rusi,  
9 and now you started to ask questions  
10 about Rusi. We are not here to  
11 answer questions about Rusi. That's  
12 as plain as I can make it.

13 If you don't have anything else  
14 to ask about Reyer and this garage  
15 and FDD Enterprises and Peak Time,  
16 then the purpose of this deposition  
17 is over. Your call.

18 MR. CARR: Can you mark this,  
19 please.

20 (Whereupon, the aforementioned  
21 2012 tax returns for Reyer Parking  
22 Corp. was marked as Plaintiff's  
23 Exhibit 4 for identification as of  
24 this date by the Reporter.)

25 Q. Mr. Lieblich, I am showing you



1 GERALD LIEBLICH

2 what's been marked as Plaintiff's Exhibit

3 4. Have you seen that before?

4 A. Yes, sir.

5 Q. Can you, please, describe to me  
6 what it is?

7 A. It's a 2012 tax return for  
8 Reyer Parking Corp.

9 Q. Is it correct that in the tax  
10 return that lists Reyer Parking asset for  
11 the approximate of \$308,000, give or take?

12 A. That's what it reflects in this  
13 document, under total assets \$308,858 see  
14 instructions.

15 Q. Can you tell me what the  
16 \$308,000 in assets consists of?

17 A. It consists of a loan made by a  
18 bank to a property at 1490 Lacoons Road,  
19 Bronx, New York on a property to be  
20 developed. It has absolutely,  
21 unequivocally no relationship to 1872 East  
22 Tremont Avenue, Bronx, New York.

23 Q. Has Reyer Parking Corp. ever  
24 had an employee?

25 A. Never.

1 GERALD LIEBLICH

2 Q. Had it ever had a manager?

3 A. Never.

4 Q. Is it fair to say that the only  
5 person that has done business on behalf of  
6 Reyer Parking Corp. is yourself?

7 A. Yes, sir.

8 Q. Has 1872 East Tremont Corp.  
9 ever had any employees?

10 A. No.

11 Q. Did it ever have any managers?

12 A. No.

13 Q. Is it fair to say that you are  
14 the only person who has done business on  
15 behalf of 1872 East Tremont Corp.?

16 A. Yes, sir.

17 Q. Are there any other agreements,  
18 written or otherwise, between 1872 East  
19 Tremont Corp. and Reyer Parking Corp.?

20 A. No, sir.

21 Q. Does FDD Enterprises have any  
22 agreements with Reyer Parking Corp.?

23 A. No.

24 Q. Is FDD Enterprises allowed to  
25 use the name Reyer Parking Corp.?

1 GERALD LIEBLICH

2 A. I don't know anything about FDD  
3 Enterprises until this case. Prior to that  
4 I have never heard of FDD.

5 MR. CARR: Can you mark this,  
6 please.

7 (Whereupon, the aforementioned  
8 reply declaration was marked as  
9 Plaintiff's Exhibit 5 for  
10 identification as of this date by the  
11 Reporter.)

12 Q. I am showing you what has been  
13 marked as Plaintiff's Exhibit 5. Have you  
14 ever seen that document before?

15 A. I don't recall seeing this.

16 Q. You have never seen that  
17 document before?

18 A. I don't recall seeing it.

19 MR. CARR: Can you mark this,  
20 please.

21 (Whereupon, the aforementioned  
22 reply declaration was marked as  
23 Plaintiff's Exhibit 6 for  
24 identification as of this date by the  
25 Reporter.)

1 GERALD LIEBLICH

2 Q. Mr. Lieblich, I am going to  
3 show you what has been marked as  
4 Plaintiff's Exhibit 6. Have you ever seen  
5 that document before?

6 A. I don't recall seeing this.

7 MR. CARR: Off the record.

8 (Whereupon, an off-the-record  
9 discussion was held.)

10 MR. CARR: Back on the record.  
11 Can you mark this, please.

12 (Whereupon, the aforementioned  
13 parking ticket was marked as  
14 Plaintiff's Exhibit 7 for  
15 identification as of this date by the  
16 Reporter.)

17 Q. Mr. Lieblich, I am showing you  
18 what's been marked as Plaintiff's Exhibit  
19 7. Have you ever seen that document  
20 before?

21 A. No.

22 Q. Can you describe to me what it  
23 is, what your understanding of it is?

24 A. It's a claim check numbered  
25 16-667, Reyer Parking Corp. at 1872 Tremont

1 GERALD LIEBLICH

2 Avenue, Bronx, New York 10460. The license  
3 number 1352450.

4 Q. Do you know how that document  
5 was produced or created?

6 A. You just provided that to me.

7 Q. But it does have Reyer Parking  
8 Corp.'s name on it, correct?

9 A. It has a stamp with Reyer  
10 Parking Corp. on it, correct.

11 Q. Was it produced by Reyer  
12 Parking Corp.?

13 A. No, Reyer Parking Corp. means I  
14 did not produce it or the entity did not  
15 produce, it's a stamp. No.

16 Q. Did Reyer Parking Corp. create  
17 the stamp that made the markings on the  
18 claim check?

19 A. No, I don't recall that.

20 Q. Does anyone have permission to  
21 make claim checks, such as this one, with  
22 Reyer Parking Corp.'s name on it?

23 A. If that was necessary to have a  
24 claim check, I assume it would be okay to  
25 do. I don't recall being asked or not

1 GERALD LIEBLICH

2 asked if they could do it. So, it really  
3 has no effect on anything that I do, so if  
4 they did it it has no effect.

5 Q. But it has your company's name  
6 and license number on it, correct?

7 A. To repeat it, has Reyer's  
8 Parking Corp.'s name and it has the address  
9 and it has the license number.

10 Q. You don't have a problem with  
11 --

12 MR. RUDOFISKY: Objection. How  
13 does that help you understand if he  
14 is the employer or Reyer is the  
15 employer whether he has a problem or  
16 not? He testified that these people  
17 use the garage with his permission,  
18 he doesn't challenge that.

19 MR. CARR: Actually, he has  
20 because he is saying that FDD does  
21 not have permission.

22 MR. RUDOFISKY: Okay. Peak Time  
23 has permission and Peak Time has told  
24 you that they permitted FDD to use  
25 it. This is all undisputed stuff.

1 GERALD LIEBLICH

2 You knew this -- you had exhibits  
3 before the judge that are copies of  
4 this.

5 MR. CARR: I am allowed to ask  
6 your client about the exhibits.

7 MR. RUDOFISKY: I understand,  
8 but not if he has a problem with it.  
9 What difference does it make if he  
10 has a problem or not? The facts are  
11 the facts, that's how they operate  
12 the garage. The judge told you, I  
13 believe the transcript will speak for  
14 itself. The mere fact that it is a  
15 licensee doesn't help you in what we  
16 are here for today, so...

17 MR. CARR: I am going to ask  
18 him about the claim check, do you  
19 have a problem with that, yes or no?

20 MR. RUDOFISKY: I don't have a  
21 problem asking him about the claim  
22 checks, but I have a problem if you  
23 ask him questions like, do you have a  
24 problem with that. He told you that  
25 he doesn't have a problem with it.

1 GERALD LIEBLICH

2 MR. CARR: He didn't because he  
3 didn't get to answer the question.  
4 You are interrupting, you could have  
5 just let him say no and then we would  
6 have been done.

7 MR. RUDOFISKY: You repeat these  
8 questions that goes beyond what we  
9 are here for. So, if you want to ask  
10 him that question I would withdraw my  
11 objection. But, please try and  
12 phrase your questions to address the  
13 issue.

14 Q. Does anyone have permission to  
15 create claim checks with Reyer Parking  
16 Corp.'s name on?

17 A. Peak Time Parking operates the  
18 facility, so whatever they required to  
19 operate the facility, they would operate  
20 the facility. Whatever the requirements  
21 would be. I did not go through a checklist  
22 of what would or not be required. They  
23 know on their own accord what would be  
24 required. Whatever would be required to  
25 operate, they would be able to operate.



1 GERALD LIEBLICH

2 Q. So, it's your testimony that  
3 you are allowing Peak Time Parking to use  
4 Reyer Parking Corp.'s name and license  
5 number if it's required for them to run the  
6 garage at 1872 East Tremont Avenue?

7 A. That's correct.

8 MR. CARR: I have nothing  
9 further.

10 EXAMINATION BY

11 MR. RUDOFISKY:

12 Q. Mr. Liebllich, does Reyer  
13 Parking play any role in the day-to-day,  
14 when I say Reyer Parking, Reyer Parking  
15 Corp. or you play any role in the  
16 day-to-day operation of the garage?

17 A. Absolutely not.

18 Q. Do you play any role in the  
19 day-to-day management of the garage?

20 A. Absolutely not.

21 Q. Do you play any role in the  
22 hiring or firing of any of the employees of  
23 the garage?

24 A. Absolutely not.

25 Q. Do you play any role in

1 GERALD LIEBLICH

2 determining the terms and condition of  
3 employment?

4 A. Absolutely not.

5 Q. Do you play any role in  
6 determining how much an employee makes?

7 A. Absolutely none.

8 Q. Do you play any role in  
9 determining the hours of employment?

10 A. Absolutely none.

11 Q. Do you play any role in  
12 determining whether the employees are paid  
13 overtime?

14 A. Absolutely none.

15 Q. Do you play any role in  
16 determining if the employee is getting a  
17 lunch hour or a lunch break or time off  
18 during the day?

19 A. Absolutely none.

20 Q. Do you play any role in  
21 determining whether the employees is paid  
22 by cash or check?

23 A. Absolutely none.

24 Q. Do you play any role, when I  
25 say you, it's you or Reyer for all of these

1 GERALD LIEBLICH

2 questions, does that change your answer at  
3 all?

4 A. Same answer for both Reyer  
5 Parking Corp. and myself.

6 Q. Do you play any role in  
7 determining what compensation to the  
8 employees is recorded for tax purposes?

9 A. Absolutely none.

10 Q. Do you have any knowledge as to  
11 any of those items?

12 A. Absolutely no knowledge.

13 MR. RUDOFISKY: Thank you.

14 CONTINUED EXAMINATION BY

15 MR. CARR:

16 Q. Mr. Lieblich, when was the last  
17 time that you visited 1872 East Tremont  
18 Avenue, Bronx, New York?

19 A. I was there about last week.

20 Q. What do you do on your visits  
21 there?

22 A. When I go there I show space in  
23 another property that we have adjacent to  
24 it.

25 MR. CARR: That's all I have

1 GERALD LIEBLICH

2 for you. Thank you.

3 MR. RUDOFISKY: For the record,  
4 I sent you an e-mail during the  
5 course of the examination, but I  
6 would say for the record that we are  
7 designating the transcript and the  
8 exhibits as confidential under the  
9 terms of the stipulation.

10 MR. CARR: That's fine.

11 (Whereupon, at 4:14 P.M., the  
12 Examination of this Witness was  
13 concluded.)

14

15

16 \_\_\_\_\_  
GERALD LIEBLICH

17

18 Subscribed and sworn to before me

19 this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

20

21 \_\_\_\_\_  
NOTARY PUBLIC

22

23

24

25

1 GERALD LIEBLICH

2 E X H I B I T S

3

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5

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19 I N D E X

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1 GERALD LIEBLICH  
2 C E R T I F I C A T E  
3

4 STATE OF NEW YORK )  
5 : SS.:  
6 COUNTY OF QUEENS )  
7

8 I, ELEANOR P. KING, a Notary Public  
9 for and within the State of New York, do  
10 hereby certify:

11 That the witness whose examination is  
12 hereinbefore set forth was duly sworn and  
13 that such examination is a true record of  
14 the testimony given by that witness.

15 I further certify that I am not  
16 related to any of the parties to this  
17 action by blood or by marriage and that I  
18 am in no way interested in the outcome of  
19 this matter.

20 IN WITNESS WHEREOF, I have hereunto  
21 set my hand this 17th day of February 2014.

22   
23 \_\_\_\_\_  
24 ELEANOR P. KING  
25

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